

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 309 of 1987

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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DIPAK C JOSHI

Versus

GUJARAT STATE HANDICRAFTS & HANDLOOM DEVP. CORPORATION LTD

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Appearance:

PARTY-IN-PERSON for Petitioner  
MR BR GUPTA for Respondent No. 1  
RULE SERVED for Respondent No. 2

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 10/02/2000

ORAL JUDGEMENT

The petitioner appears in person. Though the notice of hearing has been given to the petitioner, he is not present on call. Learned advocate appearing for the respondent-Corporation also is not present.

2. The petitioner before this Court is the employee of the Gujarat State Handicrafts & Handloom Development Corporation Limited, the respondent no. 1 herein [hereinafter referred to as, 'the Corporation']. Under order dated 10th July, 1978 made by the Corporation, the petitioner was appointed as a Clerk with effect from 1st July, 1978. Under order dated 22nd September, 1980, the petitioner was appointed as a Senior Clerk in the Corporation. Since then, the petitioner had been discharging duties as Senior Clerk. On 20th February, 1986, the petitioner made a representation and demanded Special Allowance. It was contended that prior to the year 1978, the work of preparation of Salary Sheet and other ancillary work relating to salary, Provident Fund, Income Tax, Professional Tax, etc. was being handled by a Senior Clerk. However, on formation of Handloom Development Corporation in the year 1979, the said Sr. Clerk was allocated to the Handloom Development Corporation and the petitioner was asked to perform the said duties relating to salary of the staff. Thus, the petitioner was called upon to perform the duties of a Sr. Clerk i.e., of a higher post and he was, therefore, entitled to special pay in accordance with the Rule 609 of the Bombay Civil Services Rules. Besides, as a Sr. Clerk also, the petitioner was entrusted additional duties of secretarial nature of maintaining and preparing records of meetings held, service of notices to the members of the Corporation and other miscellaneous secretarial work. The petitioner's demand for special pay/charge allowance has not been accepted by the Corporation. Feeling aggrieved, the petitioner has preferred the present petition.

3. The petition is contested by the Corporation. One Shri S.P Thakur, Personnel Manager of the Corporation has made the counter-affidavit. It is denied that the petitioner was ever asked to perform the duties in addition to his normal duty or was given the charge of any other post equivalent or higher than the one held by him. It is contended that what ever duties the petitioner performed were his normal duties allocated to him. In support of this contention, the deponent has produced the Allocation Sheet dated 30th May, 1981. Under the said allocation sheet, the petitioner has been allocated the duties of preparing Pay Sheets, Income Tax Forms, Provident Fund Forms, T.D.S., secretarial duties, etc. The deponent has also produced a statement given by the petitioner dated 4th July, 1986 enlisting the duties performed by him. The said statement also refers to the duties of Provident Fund Register, Income Tax Challans,

Professional Tax, Gratuity work, LTC, Leave Salary, etc. performed by the petitioner. It also refers to the routine work of secretarial department and other work given by the Finance Manager.

4. The petitioner's claim does not appear to be justified. The petitioner has not produced any material or any order or other evidence indicating that the petitioner was ever asked to perform/hold the charge of any other post equivalent or higher than the one held by him. The say of the petitioner that the duties performed by him in the year 1978 as a Junior Clerk were that of Sr. Clerk, is also not acceptable. Not only that the petitioner has not produced any evidence in this regard, even the representation in this respect has been made as late as in the year 1986. The claim for Charge Allowance or Special Pay for the period prior to his appointment as a Sr. Clerk on 22nd September, 1980 is grossly belated and cannot be entertained. Considering the allocation sheet dated 30th May, 1981, it does appear that all the duties performed by the petitioner; as stated in the petition and as reflected in his statement dated 4th July, 1986, were the same as were allocated to him, as reflected in the allocation sheet. The petitioner, therefore, cannot be said to have performed any duty in addition to his normal duties, justifying his claim for Special Pay/Charge Allowance.

5. In my view, the petitioner has failed to make good his claim. Besides, as stated in the counter-affidavit, the petitioner has also resigned from the service of the Corporation since the year 1987. The petition is dismissed with costs. Rule is discharged.

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Prakash\*